

# Union Calendar No. 73

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 975

**[Report No. 109–128, Part I]**

To provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mr. TANCREDO (for himself, Mr. UDALL of Colorado, Mr. BEAUPREZ, Mr. OTTER, Mr. HEFLEY, and Mrs. MUSGRAVE) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 14, 2005

Additional sponsors: Ms. DEGETTE, Mr. SIMPSON, Mr. CALVERT, and Mr. MATHESON

JUNE 14, 2005

Reported from the Committee on Resources

JUNE 14, 2005

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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# A BILL

To provide consistent enforcement authority to the Bureau

of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
 2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Trail Responsibility  
 5       and Accountability for the Improvement of Lands Act” or  
 6       “TRAIL Act”.

7       **SEC. 2. CONSISTENT ENFORCEMENT AUTHORITY REGARD-**  
 8                               **ING NATIONAL PARK SYSTEM LANDS, NA-**  
 9                               **TIONAL FOREST SYSTEM LANDS, AND OTHER**  
 10                              **PUBLIC LANDS.**

11       (a) LANDS UNDER JURISDICTION OF BUREAU OF  
 12       LAND MANAGEMENT.—Section 303(a) of the Federal  
 13       Land Policy and Management Act of 1976 (43 U.S.C.  
 14       1733(a)) is amended—

15               (1) by inserting “(1)” after “(a)”;

16               (2) by striking the second sentence; and

17               (3) by adding at the end the following new  
 18       paragraphs:

19       “(2) Any person who knowingly violates or fails to  
 20       comply with any of the provisions of this Act or any regu-

1 lation issued under this Act shall be guilty of a Class A  
 2 misdemeanor, subject to fine as provided in section 3571  
 3 of title 18, United States Code, or imprisonment as pro-  
 4 vided in section 3581 of that title, or both.

5 “(3) Any person who otherwise violates or fails to  
 6 comply with any of the provisions of this Act or any regu-  
 7 lation issued under this Act shall be guilty of a Class B  
 8 misdemeanor, subject to fine or imprisonment, or both, as  
 9 provided in such sections. A person who violates any such  
 10 provision or regulation may also be adjudged to pay all  
 11 costs of the proceedings.”.

12 (b) NATIONAL PARK SYSTEM LANDS.—

13 (1) ENFORCEMENT.—Section 3 of the Act of  
 14 August 25, 1916 (popularly known as the National  
 15 Park Service Organic Act; 16 U.S.C. 3) is amend-  
 16 ed—

17 (A) by striking “That the Secretary” the  
 18 first place it appears and inserting “(a) REGU-  
 19 LATIONS FOR USE AND MANAGEMENT OF NA-  
 20 TIONAL PARK SYSTEM; ENFORCEMENT.—(1)  
 21 The Secretary”;

22 (B) by striking “Service,” and all that fol-  
 23 lows through “proceedings.” and inserting  
 24 “Service.”; and

1 (C) by inserting after the first sentence the  
2 following new paragraphs:

3 “(2) Any person who knowingly violates or fails to  
4 comply with any rule or regulation issued under this sec-  
5 tion shall be guilty of a Class A misdemeanor, subject to  
6 fine as provided in section 3571 of title 18, United States  
7 Code, or imprisonment as provided in section 3581 of that  
8 title, or both.

9 “(3) Any person who otherwise violates or fails to  
10 comply with any rule or regulation issued under this sec-  
11 tion shall be guilty of a Class B misdemeanor, subject to  
12 fine or imprisonment, or both, as provided in such sec-  
13 tions. A person who violates any such rule or regulation  
14 may also be adjudged to pay all costs of the proceedings.”.

15 (2) CONFORMING AMENDMENTS.—Such section  
16 is further amended—

17 (A) by striking “He may also” the first  
18 place it appears and inserting the following:

19 “(b) SPECIAL MANAGEMENT AUTHORITIES.—The  
20 Secretary of the Interior may”;

21 (B) by striking “He may also” the second  
22 place it appears and inserting “The Secretary  
23 may”; and

24 (C) by striking “No natural,” and insert-  
25 ing the following:

1 “(c) LEASE AND PERMIT AUTHORITIES.—No nat-  
2 ural”.

3 (c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—  
4 Section 4(f) of the National Wildlife Refuge System Ad-  
5 ministration Act of 1966 (16 U.S.C. 668dd(f)) is amend-  
6 ed—

7 (1) in paragraph (1), by striking “fined under  
8 title 18, United States Code, or imprisoned for not  
9 more than 1 year, or both.” and inserting “guilty of  
10 a Class A misdemeanor, subject to fine as provided  
11 in section 3571 of title 18, United States Code, or  
12 imprisonment as provided in section 3581 of that  
13 title, or both. A person who violates any such provi-  
14 sion or regulation may also be adjudged to pay all  
15 costs of the proceedings.”;

16 (2) in paragraph (2), by striking “fined under  
17 title 18, United States Code, or imprisoned not more  
18 than 180 days, or both.” and inserting “guilty of a  
19 Class B misdemeanor, subject to fine as provided in  
20 section 3571 of title 18, United States Code, or im-  
21 prisonment as provided in section 3581 of that title,  
22 or both. A person who violates any such provision or  
23 regulation may also be adjudged to pay all costs of  
24 the proceedings.”.

1 (d) NATIONAL FOREST SYSTEM LANDS.—The elev-  
2 enth undesignated paragraph under the heading “SUR-  
3 VEYING THE PUBLIC LANDS” of the Act of June 4, 1897  
4 (16 U.S.C. 551), is amended to read as follows:

5 **“SEC. 551. PROTECTION OF NATIONAL FOREST SYSTEM**  
6 **LANDS; REGULATIONS.**

7 “(a) REGULATIONS FOR USE AND PROTECTION OF  
8 NATIONAL FOREST SYSTEM.—The Secretary of Agri-  
9 culture shall make provisions for the protection of the Na-  
10 tional Forest System (as defined in section 11 of the For-  
11 est and Rangeland Renewable Resources Planning Act of  
12 1974 (16 U.S.C. 1609)) against destruction by fire and  
13 depredations. The Secretary may issue such regulations  
14 and establish such service as will insure the objects of the  
15 National Forest System, namely, to regulate their occu-  
16 pancy and use and to protect National Forest System  
17 lands from destruction.

18 “(b) VIOLATIONS; PENALTIES.—(1) Any person who  
19 knowingly violates any regulation issued under subsection  
20 (a) shall be guilty of a Class A misdemeanor and shall  
21 be subject to a fine as provided in section 3571 of title  
22 18, United States Code, or imprisonment as provided in  
23 section 3581 of that title, or both.

24 “(2) Any person who otherwise violates any regula-  
25 tion issued under subsection (a) shall be guilty of a Class

1 B misdemeanor and shall be subject to a fine as provided  
 2 in section 3571 of title 18, United States Code, or impris-  
 3 onment as provided in section 3581 of that title, or both.

4 “(3) A person who violates any regulation issued  
 5 under subsection (a) may also be adjudged to pay all costs  
 6 of the proceedings.

7 “(c) PROCEDURE.—Any person charged with the vio-  
 8 lation of a regulation issued under subsection (a) may be  
 9 tried and sentenced by any United States magistrate judge  
 10 specially designated for that purpose by the court by which  
 11 the magistrate judge was appointed, in the same manner  
 12 and subject to the same conditions as provided for in sub-  
 13 sections (b) through (e) of section 3401 of title 18, United  
 14 States Code.”.

15 **SEC. 3. ESTABLISHMENT OF MINIMUM FINE FOR VIOLA-**  
 16 **TION OF PUBLIC LAND FIRE REGULATIONS**  
 17 **DURING FIRE BAN.**

18 (a) LANDS UNDER JURISDICTION OF BUREAU OF  
 19 LAND MANAGEMENT.—Section 303(a) of the Federal  
 20 Land Policy and Management Act of 1976 (43 U.S.C.  
 21 1733(a)), as amended by section 2(a), is further amended  
 22 by adding at the end the following new paragraph:

23 “(4) In the case of a regulation issued under this sec-  
 24 tion regarding the use of fire by individuals on the public  
 25 lands, if the violation of the regulation was the result of

1 reckless conduct, occurred in an area subject to a complete  
2 ban on open fires, and resulted in damage to public or  
3 private property, the fine may not be less than \$500.”.

4 (b) NATIONAL PARK SYSTEM LANDS.—Subsection  
5 (a) of section 3 of the Act of August 25, 1916 (popularly  
6 known as the National Park Service Organic Act; 16  
7 U.S.C. 3), as designated and amended by section 2(b), is  
8 further amended by adding at the end the following new  
9 paragraph:

10 “(4) In the case of a rule or regulation issued under  
11 this subsection regarding the use of fire by individuals on  
12 such lands, if the violation of the rule or regulation was  
13 the result of reckless conduct, occurred in an area subject  
14 to a complete ban on open fires, and resulted in damage  
15 to public or private property, the fine may not be less than  
16 \$500.”.

17 (c) NATIONAL FOREST SYSTEM LANDS.—Subsection  
18 (b) of section 551 of the Act of June 4, 1897 (16 U.S.C.  
19 551), as designated and amended by section 2(d), which  
20 before such designation and amendment was the eleventh  
21 undesignated paragraph under the heading “surveying the  
22 public lands” of such Act, is further amended by adding  
23 at the end the following new paragraph:

24 “(3) In the case of a regulation issued under sub-  
25 section (a) regarding the use of fire by individuals on Na-



1 tional Forest System lands, if the violation of the regula-  
2 tion was the result of reckless conduct, occurred in an area  
3 subject to a complete ban on open fires, and resulted in  
4 damage to public or private property, the fine may not  
5 be less than \$500.”.

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